

**U.S. District Court
U.S. District of Minnesota (DMN)
CIVIL DOCKET FOR CASE #: 0:18-cv-02493-WMW-BRT**

Dorsey & Whitney LLP v. United States Postal Service
Assigned to: Judge Wilhelmina M. Wright
Referred to: Magistrate Judge Becky R. Thorson
Cause: 05:552 Freedom of Information Act

Date Filed: 08/27/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Dorsey & Whitney LLP**

represented by **Alex P Hontos**
Dorsey & Whitney LLP
50 S 6th St Ste 1500
Mpls, MN 55402-1498
612-492-6634
Fax: 612-677-3403
Email: hontos.alex@dorsey.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Caitlin L. D. Hull
Dorsey & Whitney LLP
50 South Sixth Street
Ste 1500
Minneapolis, MN 55402-1498
612-492-6773
Fax: 612-677-3299
Email: hull.caitlin@dorsey.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**United States Postal Service**

represented by **Andrew Tweeten**
United States Attorney's Office
District of Minnesota
600 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415
612-664-5655
Fax: 612-664-5788
Email: andrew.tweeten@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/27/2018	<u>1</u>	COMPLAINT against United States Postal Service (filing fee \$ 400, receipt number AMNDC-6333215) filed by Dorsey & Whitney LLP. Filer requests summons issued. (Attachments: # <u>1</u> Exhibit(s) A-D, # <u>2</u> Civil Cover Sheet) (Hontos, Alex) (Entered: 08/27/2018)
08/27/2018	<u>2</u>	RULE 7.1 DISCLOSURE STATEMENT. There is no parent corporation, publicly held corporation or wholly-owned subsidiary to report for Plaintiff Dorsey & Whitney LLP. (Hontos, Alex) (Entered: 08/27/2018)
08/27/2018	3	TEXT ONLY ENTRY: CLERK'S NOTICE OF INITIAL CASE ASSIGNMENT. Case assigned to Judge Wilhelmina M. Wright per Civil (3rd, 4th - Master) list, referred to Magistrate Judge Becky R. Thorson. Please use case number 18-cv-2493

		(WMW/BRT). (lmb) (Entered: 08/27/2018)
08/27/2018	<u>4</u>	Summons Issued as to United States Postal Service. (lmb) (Entered: 08/27/2018)
08/28/2018		(Text-Only) NOTICE – Judge Wilhelmina M. Wright's Practice Pointers are available on the United States District Court for the District of Minnesota's website . All parties are expected to be familiar with and adhere to these Practice Pointers, including Judge Wright's deviations from the Local Rules with respect to motion scheduling and briefing deadlines. (TJB) (Entered: 08/28/2018)
08/28/2018	<u>5</u>	NOTICE of Appearance by Andrew Tweeten on behalf of United States Postal Service. (Tweeten, Andrew) (Entered: 08/28/2018)
08/29/2018	<u>6</u>	SUMMONS Returned Executed by Dorsey & Whitney LLP. United States Postal Service served on 8/27/2018, answer due 9/17/2018. (Hontos, Alex) (Entered: 08/29/2018)
08/29/2018	<u>7</u>	ORDER/NOTICE of Setting: Pretrial Conference set for 10/22/2018 at 03:00 PM in Courtroom 6A (STP) before Magistrate Judge Becky R. Thorson. Signed by Magistrate Judge Becky R. Thorson on 8/29/2018. (Attachments: # <u>1</u> Consent Form) (MSK) (Entered: 08/29/2018)
09/26/2018	<u>8</u>	ANSWER to Complaint filed by United States Postal Service. (Tweeten, Andrew) (Entered: 09/26/2018)
10/12/2018	<u>9</u>	(Text-only) NOTICE of Resetting of Hearing, TIME CHANGE ONLY: The Pretrial Conference set for 10/22/2018 will begin at 10:30 AM in Courtroom 6A (STP) before Magistrate Judge Becky R. Thorson. (MSK) (Entered: 10/12/2018)
10/17/2018	<u>10</u>	REPORT of Rule 26(f) Planning Meeting. Filed by United States Postal Service. Jointly Signed by Dorsey & Whitney LLP.(Tweeten, Andrew) (Entered: 10/17/2018)
10/22/2018	<u>11</u>	Minute Entry for proceedings held before Magistrate Judge Becky R. Thorson: Initial Pretrial Conference held on 10/22/2018. (MSK) (Entered: 10/22/2018)
10/26/2018	<u>12</u>	ORDER/NOTICE of Setting: PRETRIAL SCHEDULING ORDER. Amended Pleadings due by 10/31/2018. Joinder of Parties due by 10/31/2018. Motions (disp) due by 3/1/2019. Ready for trial due by 7/1/2019. Signed by Magistrate Judge Becky R. Thorson on 10/26/2018. (MSK) (Entered: 10/26/2018)
10/26/2018	<u>13</u>	ORDER/NOTICE of Setting: ORDER FOR SETTLEMENT CONFERENCE. Confidential Letter to Court due by 5/7/2019. Parties are directed to Meet and Confer by 5/1/2019. Settlement Conference set for 5/9/2019 at 09:30 AM in Courtroom 6A (STP) before Magistrate Judge Becky R. Thorson. Signed by Magistrate Judge Becky R. Thorson on 10/26/2018. (MSK) (Entered: 10/26/2018)
11/09/2018	<u>14</u>	MOTION to Compel <i>Defendant to Produce a Vaughn Index Or, Alternatively, In Camera Review</i> filed by Dorsey & Whitney LLP. (Hull, Caitlin) (Entered: 11/09/2018)
11/09/2018	<u>15</u>	NOTICE OF HEARING ON MOTION <u>14</u> MOTION to Compel <i>Defendant to Produce a Vaughn Index Or, Alternatively, In Camera Review</i> : Motion Hearing set for 12/18/2018 at 02:30 PM in Courtroom 6A (STP) before Magistrate Judge Becky R. Thorson. (Hull, Caitlin) (Entered: 11/09/2018)
12/04/2018	<u>16</u>	MEMORANDUM in Support re <u>14</u> MOTION to Compel <i>Defendant to Produce a Vaughn Index Or, Alternatively, In Camera Review</i> filed by Dorsey & Whitney LLP. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Hull, Caitlin) (Entered: 12/04/2018)
12/04/2018	<u>17</u>	MEET and CONFER STATEMENT re <u>14</u> Motion to Compel filed by Dorsey & Whitney LLP.(Hull, Caitlin) (Entered: 12/04/2018)
12/04/2018	<u>18</u>	PROPOSED ORDER TO JUDGE re <u>14</u> MOTION to Compel <i>Defendant to Produce a Vaughn Index Or, Alternatively, In Camera Review</i> filed by Dorsey & Whitney LLP.(Hull, Caitlin) (Entered: 12/04/2018)
12/11/2018	<u>19</u>	RESPONSE in Opposition re <u>14</u> MOTION to Compel <i>Defendant to Produce a Vaughn Index Or, Alternatively, In Camera Review</i> filed by United States Postal Service. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Tweeten,

		Andrew) (Entered: 12/11/2018)
12/18/2018	<u>20</u>	Minute Entry for proceedings held before Magistrate Judge Becky R. Thorson: Motion Hearing held on 12/18/2018 re <u>14</u> MOTION to Compel <i>Defendant to Produce a Vaughn Index Or, Alternatively, In Camera Review</i> filed by Dorsey & Whitney LLP. (TMM) Modified text on 12/19/2018 (MMP). (Entered: 12/19/2018)
12/21/2018	<u>21</u>	ORDER denying <u>14</u> Motion to Compel(Written Opinion) Signed by Magistrate Judge Becky R. Thorson on 12/21/2018. (TMM) (Entered: 12/21/2018)
12/26/2018	<u>22</u>	ORDER OF REFERENCE: Pursuant to Title 28, United States Code, Section 636(b)(1), Defendant United States Postal Service's anticipated Glomar motion is referred to Magistrate Judge Becky R. Thorson. Signed by Judge Wilhelmina M. Wright on 12/24/2018. (RE) (Entered: 12/26/2018)
12/31/2018	<u>23</u>	REQUEST <i>for Stay</i> by United States Postal Service. (Tweeten, Andrew) (Entered: 12/31/2018)
12/31/2018	<u>24</u>	PROPOSED ORDER TO JUDGE re <u>23</u> Request. (Tweeten, Andrew) (Entered: 12/31/2018)
01/02/2019	<u>25</u>	ORDER in Response to <u>23</u> Request. Defendant's Request for Stay is GRANTED. The deadlines in this case are hereby stayed, and the Status Conference scheduled for January 3, 2019 at 11:30 a.m. is hereby canceled and will be rescheduled after appropriations are restored. Signed by Magistrate Judge Becky R. Thorson on 1/2/2019. (DMM) (Entered: 01/02/2019)
01/28/2019	<u>26</u>	REQUEST <i>TO LIFT STAY</i> by United States Postal Service. (Tweeten, Andrew) (Entered: 01/28/2019)
01/28/2019	<u>27</u>	PROPOSED ORDER TO JUDGE re REQUEST TO LIFT STAY <u>26</u> Request. (Tweeten, Andrew) (Entered: 01/28/2019)
01/28/2019	<u>28</u>	ORDER GRANTING DEFENDANT'S REQUEST TO LIFT STAY. Signed by Magistrate Judge Becky R. Thorson on 1/28/2019. (MSK) (Entered: 01/28/2019)
02/13/2019	<u>29</u>	ORDER/NOTICE TO ATTORNEY. ORDER ON BRIEFING SCHEDULING AND NOTICE OF HEARING. Signed by Magistrate Judge Becky R. Thorson on 2/13/2019. (MSK) (Entered: 02/13/2019)
02/28/2019	<u>30</u>	MOTION for Summary Judgment filed by United States Postal Service. (Tweeten, Andrew) (Entered: 02/28/2019)
02/28/2019	<u>31</u>	NOTICE OF HEARING ON MOTION <u>30</u> MOTION for Summary Judgment : Motion Hearing set for 4/3/2019 at 02:00 PM in Courtroom 6A (STP) before Magistrate Judge Becky R. Thorson. (Tweeten, Andrew) (Entered: 02/28/2019)
02/28/2019	<u>32</u>	MEMORANDUM in Support re <u>30</u> MOTION for Summary Judgment filed by United States Postal Service. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Tweeten, Andrew) (Entered: 02/28/2019)
02/28/2019	<u>33</u>	Declaration of Dennis Nicoski in Support of <u>30</u> MOTION for Summary Judgment filed by United States Postal Service. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Tweeten, Andrew) (Entered: 02/28/2019)
02/28/2019	<u>34</u>	PROPOSED ORDER TO JUDGE re Defendant's Motion for Summary Judgment <u>30</u> Motion for Summary Judgment. (Tweeten, Andrew) (Entered: 02/28/2019)
03/11/2019	<u>35</u>	MOTION for Summary Judgment filed by Dorsey & Whitney LLP. (Hull, Caitlin) (Entered: 03/11/2019)
03/11/2019	<u>36</u>	NOTICE OF HEARING ON MOTION <u>35</u> MOTION for Summary Judgment : Motion Hearing set for 4/3/2019 at 02:00 PM in Courtroom 6A (STP) before Magistrate Judge Becky R. Thorson. (Hull, Caitlin) (Entered: 03/11/2019)
03/11/2019	<u>37</u>	MEMORANDUM re <u>35</u> MOTION for Summary Judgment , <u>30</u> MOTION for Summary Judgment <i>Plaintiff's Memorandum in Support of its Motion for Summary Judgment 35 and Plaintiff's Opposition to Defendant's Motion for Summary Judgment 30</i> filed by Dorsey & Whitney LLP. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count

		Compliance Certificate)(Hull, Caitlin) (Entered: 03/11/2019)
03/11/2019	<u>38</u>	Declaration of Alex P. Hontos in Support of <u>35</u> MOTION for Summary Judgment filed by Dorsey & Whitney LLP. (Attachments: # <u>1</u> Exhibit(s) 1–46)(Hull, Caitlin) (Entered: 03/11/2019)
03/11/2019	<u>39</u>	PROPOSED ORDER TO JUDGE re <u>35</u> MOTION for Summary Judgment filed by Dorsey & Whitney LLP.(Hull, Caitlin) (Entered: 03/11/2019)
03/21/2019	<u>40</u>	MEMORANDUM re <u>35</u> MOTION for Summary Judgment , <u>30</u> MOTION for Summary Judgment <i>Defendant's Response and Reply</i> filed by United States Postal Service. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Tweeten, Andrew) (Entered: 03/21/2019)
03/21/2019	<u>41</u>	Second Declaration of Dennis Nicoski in Support of <u>30</u> MOTION for Summary Judgment filed by United States Postal Service.(Tweeten, Andrew) (Entered: 03/21/2019)
03/21/2019	<u>42</u>	Declaration of Andrew Tweeten in Support of <u>30</u> MOTION for Summary Judgment filed by United States Postal Service. (Attachments: # <u>1</u> Exhibit(s) E, # <u>2</u> Exhibit(s) F)(Tweeten, Andrew) (Entered: 03/21/2019)
03/29/2019	<u>43</u>	REPLY re <u>35</u> MOTION for Summary Judgment filed by Dorsey & Whitney LLP. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Hontos, Alex) (Entered: 03/29/2019)
03/29/2019	<u>44</u>	Declaration of Alex P. Hontos in Support of <u>35</u> MOTION for Summary Judgment filed by Dorsey & Whitney LLP. (Attachments: # <u>1</u> Exhibit(s) 47)(Hontos, Alex) (Entered: 03/29/2019)
04/03/2019	<u>45</u>	Minute Entry for proceedings held before Magistrate Judge Becky R. Thorson: Motion Hearing held on 4/3/2019 re <u>35</u> MOTION for Summary Judgment filed by Dorsey & Whitney LLP, <u>30</u> MOTION for Summary Judgment filed by United States Postal Service. (Court Reporter Lynne Krenz) (TMM) (Entered: 04/03/2019)
04/12/2019	<u>46</u>	(Text-only) NOTICE of Cancellation of Hearing: The Settlement Conference set for 5/9/2019 before Magistrate Judge Becky R. Thorson is canceled. (MSK) (Entered: 04/12/2019)
05/09/2019	<u>47</u>	REPORT AND RECOMMENDATION re <u>35</u> MOTION for Summary Judgment filed by Dorsey & Whitney LLP, <u>30</u> MOTION for Summary Judgment filed by United States Postal Service. Signed by Magistrate Judge Becky R. Thorson on 5/9/2019. (TMM) (Entered: 05/09/2019)
05/23/2019	<u>48</u>	OBJECTION to <u>47</u> Report and Recommendations as to Defendant. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Tweeten, Andrew) Modified text on 5/24/2019 (kt). (Entered: 05/23/2019)
05/24/2019	<u>49</u>	TRANSCRIPT REQUEST for an Expedited 14-Day Transcript of <u>45</u> Motion Hearing, to Court Reporter Lynne Krenz. (Tweeten, Andrew) (Entered: 05/24/2019)
05/29/2019	<u>50</u>	NOTICE of Filing of Official Transcript. This filing has 1 transcript(s) associated with it. (LMK) (Entered: 05/29/2019)
05/29/2019	<u>51</u>	TRANSCRIPT of Motions Hearing held on 4.3.2019 before Magistrate Judge Becky R. Thorson. (56 pages). Court Reporter: Lynne Krenz. For a copy of the transcript, please file a Transcript Request under <i>Other Filings/Other Documents</i> . For information on redaction procedures, please review <u>Local Rule 5.5</u> . Redaction Request due 6/19/2019. Redacted Transcript Deadline set for 7/1/2019. Release of Transcript Restriction set for 8/27/2019. (LMK) (Entered: 05/29/2019)
06/06/2019	<u>52</u>	RESPONSE re: <u>48</u> Objection to Report and Recommendation . (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Hull, Caitlin) Modified text on 6/6/2019 (MMG). (Entered: 06/06/2019)
07/02/2019	<u>53</u>	LETTER TO DISTRICT JUDGE by United States Postal Service . (Tweeten, Andrew) (Entered: 07/02/2019)